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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,146	05/04/1999	GEORGE V. GUYAN	AND1P069	1663

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ACCENTURE CHICAGO 28164
BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/305,146

Applicant(s)

GUYAN ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 and 41-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22, 41-65 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22 and 41-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Borghesi et al. (U.S. Patent 5,950,169).

Claim 22: FIG. 3 of Borghesi et al. discloses a server component (36) that includes a task engine (the internal programming of the server) which interacts with an event processor (terminals at any one of the offices 30, 32, 34). As seen at col. 5, lines 62-65 the server is subdivided into individual mailboxes that store insurance data files.

FIG. 6 illustrates one of data components residing in the data file. The data file is a claim folder. The claim folder is decomposed into plurality of levels, such as “assignment”, “inspection”, “policy”, “parties”, “statements”, “loss” and “repair site”. The policy level is at the tab marked “policy”. The claim level is at the tab marked “loss”. The participant level is at the tab marked “parties”. The line level is at the higher level tab marked “totals”.

FIG. 5 and its associated discussion at col. 7, lines 4-9 and col. 7, lines 40-42 outline an embodiment where the server component communicates with several secondary workstations and allows for multiple users to access the same claim file simultaneously.

The event processor is the local terminal that interacts with the data components, such as the data component of FIG. 6. The event processor identifies data events (information about vehicle accidents) by creating data files on vehicle accidents. As seen in FIG. 8E the event

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processor can follow programming steps to identify system components (programs 200-218) that can process the claims. When certain programs are invoked, such as 202, it creates a list of actions to be taken by the claim processor (FIG. 8F, steps 220-230).

Claims 41-46, 52-54, 56 and 58: Each of these claims is limited only to specific types of information displayed from a claimed folder. The information displayed is considered non-functional descriptive material, since it is merely data drawn from storage folders, and does not alter the functioning of the computer system. (*In re Gulack* 217 USPQ 401 (Fed. Cir. 1983) “*Printed matter that is not functionally related to substrate does not distinguish invention from prior art in terms of patentability; although printed matter must be considered, in that situation, it may not be entitled to patentable weight*”). Also see MPEP 2106, which states: “*When descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability.*”

Claim 47: The line level is the tab for totals”. As seen in FIG. 7, it presents a user interface that captures the cost negotiations for an insurance covered repair.

Claim 48: A client component may be another one of the even processors 30, 32, 34 as seen in FIG. 3. The client component can provide the data in FIG. 6, which provides information about an individual in an insured event.

Claim 49: The client component can display the user interfaces, such as FIG. 6 and communicate with the central server.

Claim 50: The client component allows the user to edit information in the data component (FIG. 6).

Claim 51: The data component (FIG. 6) allows the user to search for information by clicking on the appropriate tab.

Claim 55: The “statistical model for claims practices” is the underwriting used to establish the insurance policy. The information on injuries suffered by the claimant is the information on the financial cost of damage to the vehicle, which is considered a financial injury or damage to the policy claimant.

Claim 57: FIG. 6 illustrates a hierarchical set of primary tabs and subtabs that are analogous to a tree. For example, the primary tab “Admin” is analogous to a branch and the subtab “parties” is a specific leaf on the branch.

Claim 59: FIG. 6 illustrates various tabs, including a tab for the claim level (the tab marked “loss”).

Claim 60: As seen in FIG. 6, the claim folder can be viewed, or edited by clicking on specific boxes within the view.

Claim 61: In FIG. 6, the “edit mode” occurs when a box is clicked. Certain boxes present drop down menus only when they are clicked, such as the “State/ZIP” box and the “Who is” box.

Claim 62: FIG. 8B, box 172 illustrates that all tasks are associated with a schedule.

Claim 63-64: Every data entry is a recordation of tasks. The historical record is the insurance data file.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al. (U.S. Patent 5,950,169) in view of Tibbetts et al. (U.S. Patent 6,158,044).

Borghesi et al. differs in that the computer system which incorporates the claim file does not further incorporate optimistic locking.

Tibbetts et al. discloses a business proposal analogous to Borghesi's claim file (see col. 4, lines 26-33 of Tibbetts et al.) and which is residing in a computer system and which further incorporates the feature of optimistic locking (col. 9, line 6 in particular, and col. 9, lines 1-16 for environment of optimistic locking).

It would have been obvious to one of ordinary skill in the art to modify Borghesi et al. to incorporate the feature of optimistic locking in the system of Tibbetts et al. so as to prevent the retention or presentation of stale data in the claim folders of Borghesi et al., as specifically taught by Tibbetts et al.

Remarks

Applicant's arguments are primarily addressed to the newly amended feature in claim 22 calling for the claim folder to be made available to a plurality of users simultaneously. This feature is in fact taught by Borghesi et al. at col. 7, lines 4-9 and 40-42, with FIG. 5 providing a general illustration.

Newly added claim 65 has been considered, although the features of optimistic claim locking are described by Tibbetts et al. in the context of a business proposal, which is analogous to the claim folder of Borghesi et al.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2175